

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.342/2019

Jyotsna W/o Shantaram Kodape and others

..Vs..

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri F.T. Mirza, Advocate with Shri Abdul Subhan, Advocate for the
petitioners.

Shri S.Y. Deopujari, Public Prosecutor with Shri T.A. Mirza, A.P.P. for
respondent Nos.1, 5, 6, 7, 8, 11 and 12.

Shri Sachin Zoting, Advocate for respondent No.13.

CORAM : Z.A. HAQ AND VINAY JOSHI, JJ.

DATED : 26.4.2019.

1. Heard.

2. By this petition, the three petitioners (mothers of victim girls) made grievance that the respondents were not taking cognizance of their complaints, which were regarding commission of serious offences including offences under Juvenile Justice (Care and Protection of Children) Act, 2015, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Protection of Children from Sexual Offences Act, 2012. Looking to the nature of complaints, specially, that according to the petitioners, about 150 minor girls, who were inmates of the residential school where alleged offences were being committed, and the girls being in the age group of 13 to

15 years, we issued notice to the respondents and also appointed a Committee to take immediate action in the matter. In response to the notice issued by this Court, the respondent Nos.1, 5 and 6 had put in appearance on the last date. On 22nd April 2019, we passed an order recording the statement made on behalf of the respondent No.1 that interim relief amount of Rs.50,000/- (Fifty Thousand) per victim would be deposited for six victims, who were identified by the Authorities. Affidavit on behalf of the respondent Nos.1, 3, 11 and 12 is filed today. In paragraph No.9 of this affidavit, it is stated that amount of Rs.3,00,000/- (Three Lakhs) is deposited before Sessions Court, Chandrapur. The affidavit further shows that other action as per law is also being taken by Police Authorities, Tribal Development Department and School Education Department.

3. In the above facts, we are of the view that the petition has served its purpose and nothing further is required to be examined, at this stage. Learned Advocate for the petitioners submitted that the prayer clauses (a) and (e) require consideration. As far as the prayer clause (a) is concerned, as the Authorities have already taken cognizance of the matter and are taking action in the matter as assured by them, we are not inclined to consider this prayer, at this stage. As far as the prayer clause (e) is concerned, it will fall within domain of public interest litigation and it will be open for the

petitioners to agitate their grievance on this aspect in the appropriate proceedings.

4. We are further of the view that the continuation of the Committee appointed by us vide order dated 18th April, 2019 is also not necessary. Hence Committee is dissolved. If the Committee appointed by us has collected any material which can be relevant for the investigating agency, the same shall be handed over to the investigating agency within one week.

5. From the amount of Rs.3,00,000/- (Three Lakhs) deposited by the respondent No.1 - State, Ms. S.S. Ansari - District Judge-II and Additional Sessions Judge, Chandrapur shall deposit Rs.50,000/- (Fifty Thousand) in the account of mother of each of the victim, identified by the investigating agency. We modify our earlier order dated 22nd April, 2019 and permit the victims / mother of victims to withdraw the amount which would be deposited.

6. Learned Advocate for the petitioners has pointed out from paragraph No.14 of the affidavit filed on behalf of the respondent No.1 today that steps are being taken as per the Maharashtra Educational Institutions (Management) Act, 1976, however, the time which would be required for taking over the management of the institution is not mentioned. It is submitted that looking to the interests of students, it

would be in the fitness of things that the management of the institution is taken over at the earliest possible, and before starting of the next session.

Learned Public Prosecutor, on instructions, has stated that the period of about 2 months would be required.

We hope and trust that the Authorities would abide by the assurance.

7. If the petitioners or any victim or student of the school has any grievance in the matter, he / she will be at liberty to approach this Court by filing an application in this petition.

8. The writ petition is **disposed** accordingly.

9. The report sent by the Committee appointed by us and which is kept in sealed cover be handed over by the Registry to the investigating agency.

JUDGE

JUDGE